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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/262,056    03/04/99    SMITH

J    T8464287US

WM02/1122  
GOWLING STRATHY AND HENDERSON  
SUITE 4900  
COMMERCE COURT WEST  
TORONTO ON M5L 1J3  
CANADA

AIR MAIL

EXAMINER
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HARRISON, C	
ART UNIT	PAPER NUMBER

2672  
DATE MAILED:

11/22/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.  
09/262,056

Applicant(s)

Smith et al.

Examiner

Chante' Harrison

Group Art Unit

2672

☒ Responsive to communication(s) filed on Mar 4, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al., U.S. Patent 6,058,397, 5/2000, 345/473.

As per independent claim 1, Barrus discloses receiving predefined output (col. 19, ll. 13-19), parsing the output to identify a texture, evaluating each texture in terms of a corresponding parameter defined in the output to obtain a corresponding texture output (col. 19-20, ll. 45-14), rendering the output (col. 10, ll. 53-54). Barrus fails to disclose a texture expression, however it would have been obvious to one of ordinary skill in the art at the time of invention to use the disclosure of Barrus because he teaches storing primitives as matrices and applying one of multiple corresponding texture maps to each primitive (col. 8, ll. 1-7; col. 15-16, ll. 65-10; col. 18, ll. 24-32).

As per dependent claims 2 and 11, Barrus discloses the corresponding parameter comprising pixel coordinates (col. 12, ll. 27-33).

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As per dependent claim 3, Barrus discloses display coordinates (col. 7, ll. 30-35; col. 15, ll. 42-47).

As per dependent claims 4 and 13, Barrus discloses the coordinates expressed with respect to the region of the display to which the texture is to be applied (col. 7, ll. 30-50; col. 19, ll. 45-65).

As per dependent claim 5, Barrus discloses the texture expression producing an image texture and evaluating the expression for each color value of the colorspace (col. 8, ll. 1-8; col. 10, ll. 40-61).

As per dependent claim 6, Barrus fails to specifically disclose an RGB colorspace. However he teaches modifying the database that defines the virtual environment to be transmitted to the format of the receiving renderer (col. 7, ll. 23-27; col. 8, ll. 1-8; col. 9, ll. 7-1; col. 9-10, ll. 64-9).

As per dependent claim 7, Barrus discloses an html document (col. 19, ll. 21-25).

As per dependent claim 8, Barrus discloses an audio texture (col. 13, ll. 55-57; col. 20, ll. 55-59).

As per independent claim 12, Barrus discloses a system (FIG. 20) for implementing the method of claim 1. Therefore the rejection as applied to independent claim 1 is included herein.

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3. Claims 9-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus as applied to claims 1 and 12 above, and further in view of Elliot et al., U.S. Patent 5,764,241, 6/1998, 345/473.

As per dependent claim 9, Elliot discloses the corresponding parameter is time-based (col. 8, ll. 19-37), which Barrus fails to disclose. It would have been obvious to one skilled in the art to combine the disclosures of Elliot and Barrus because Elliot teaches improving animation/graphics presentation of transmitted Hypertext files including audio by inputting and manipulating data defining the files to prepare multiple visual output presentations from multiple input formats (col. 7-8) as does Barrus (col. 19-20).

As per dependent claim 10, Elliot fails to disclose the time-based parameter comprising an elapsed time from the user interface event. However he does disclose data content that is responsive to user input and the presentation of the content with respect to time (col. 8, ll. 24-33), which Barrus fails to disclose. It would have been obvious to combine the disclosures of Barrus and Elliot because Elliot fulfills browser requests and manipulates Hypertext files including audio using user defined data to prepare multiple visual output presentations from multiple input formats (col. 7-8) as does Barrus (col. 19-20).

As per dependent claim 14, Barrus discloses an audio texture (col. 13, ll. 55-57; col. 20, ll. 55-59) but fails to disclose the corresponding parameter is time-based, which is disclosed by Elliot (col. 8, ll. 19-37) as is an audio texture (col. 8, ll. 23-26). It would have been obvious to

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combine the disclosures of Barrus and Elliot because Elliot fulfills browser requests and manipulates Hypertext files including audio using user defined data to prepare multiple visual output presentations from multiple input formats (col. 7-8) as does Barrus (col. 19-20).

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*Citation of Pertinent Prior Art*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nukano et al., U.S. Patent 6,043,818, 3/2000, 345/114

White et al., U.S. Patent 6,133,913, 10/2000, 345/342

Sugiyama et al., U.S. Patent 6,005,579, 12/1999, 345/342

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**Conclusion**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications intended for entry)

**OR:**

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Chante' Harrison whose telephone number is (703) 305-3937. She can  
normally be reached on Monday-Thursday from 8:00am - 5:00pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor Mark  
Powell, can be reached on (703) 305-9703.

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group receptionist whose telephone number is (703) 305-3900.

Chante' Harrison

November 9, 2000



**MATTHEW LUU  
PRIMARY EXAMINER**